

SEP 22 2021

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA)
)
)
v.)
)
)
(1) TERRELL DEVON FREEMAN)
a/k/a "STONE")
(2) JOSHUA MACDAVID MONTEITH)
a/k/a "GRITTY")
(3) YANALISE SIMONE HODGE)

DOCKET NO.:

3:21-cr-240-RJC

BILL OF INDICTMENT

UNDER SEAL

Violations:

18 U.S.C. § 1028A

18 U.S.C. § 1344(2)

18 U.S.C. § 1349

THE GRAND JURY CHARGES:

At the specified time and at all relevant times:

Introduction

1. The defendants, (1) TERRELL DEVON FREEMAN, also known as "Stone," (2) JOSHUA MACDAVID MONTEITH, also known as "Gritty," and (3) YANALISE SIMONE HODGE, along with others, conspired to engage in a bank fraud scheme involving stolen business checks. During the fraud scheme, the defendants deposited the stolen checks into fraudulently created bank accounts and withdrew funds before the banks discovered the checks were stolen. The total face value of the business checks stolen in the scheme was in excess of \$2 million.

The Bank Fraud Scheme

2. Beginning as early as in or about November 2020 and continuing through the present, FREEMAN, MONTEITH, and HODGE conspired with each other and with others, known and unknown to the Grand Jury, to operate a bank fraud scheme to obtain money under the custody and control of various financial institutions through false and fraudulent pretenses. The defendants conducted the fraud scheme in and around Charlotte, North Carolina, and elsewhere, including the states of South Carolina, Georgia, and Virginia.

3. The scheme to defraud the victim financial institutions and others generally operated as follows:

a. The defendants and their co-conspirators stole mail, including business checks, from U.S. Postal Service collection boxes and business mailboxes in and around Charlotte, North Carolina, and elsewhere.

b. After obtaining stolen business checks, the defendants and their co-conspirators filed official business registrations for fictitious businesses using names that were substantially the same as the names of the payees on the stolen business checks.

c. The defendants and their co-conspirators then opened bank accounts in the names of these fictitious businesses at financial institutions (“straw bank accounts”) and deposited the stolen checks into the accounts. The defendants used the personally identifiable information (“PII”) of actual persons, as well as fake or “synthetic” identities, on the counterfeit identification cards to open the bank accounts.

d. After the financial institutions credited the straw bank accounts with funds from the stolen checks, the defendants and their co-conspirators withdrew cash from the accounts before the victim financial institutions discovered the fraud.

Entities

4. Bank of America Corporation (“Bank of America”) was a financial institution headquartered in Charlotte, North Carolina whose deposits were insured by the Federal Deposit Insurance Corporation (“FDIC”).

5. BankUnited was a financial institution headquartered in Miami Lakes, Florida whose deposits were insured by the FDIC.

6. FNB Corporation (“FNB”), also known as First National Bank, was a financial institution headquartered in Pittsburgh, Pennsylvania whose deposits were insured by the FDIC.

7. HomeTrust Bancshares (“HomeTrust Bank”) was a financial institution headquartered in Asheville, North Carolina whose deposits were insured by the FDIC.

8. TD Bank was a financial institution headquartered in Cherry Hills, New Jersey whose deposits were insured by the FDIC.

9. Truist Financial (“Truist”) was a financial institution headquartered in Charlotte, North Carolina whose deposits were insured by the FDIC. Truist was created in 2019 based on the merger of BB&T and SunTrust banks.

10. Wells Fargo Bank, N.A. (“Wells Fargo”) was a financial institution headquartered in San Francisco, California whose deposits were insured by the FDIC.

11. Victim Business #1 was a pharmacy with a principal address in Monroe, North Carolina.

12. Victim Business #2 was a multinational supplier of audio connectors with a principal U.S. address in Charlotte, North Carolina

13. Victim Business #3 was a multinational transportation services company with a principal address in Bloomfield Township, Michigan.
14. Victim Business #4 was a mechanical contractor with a principal address in Charlotte, North Carolina.
15. Victim Business #5 was a pavement marking company with a principal address in Monroe, North Carolina.
16. Victim Business #6 was a steel fabricator with a principal address in Pensacola, Florida.
17. Victim Business #7 was a glazing distributor with a principal address in Selma, Alabama.
18. Victim Business #8 was a HVAC and electrical services provider with a principal in Charlotte, North Carolina.
19. Victim Business #9 was a multinational financial services corporation with a principal address in Westlake, Texas.
20. Victim Business #10 was a produce distributor with a principal address in McAllen, Texas.
21. Victim Business #11 was a produce distributor with a principal address in Medley, Florida.
22. Victim Business #12 was a produce distributor with a principal address in McAllen, Texas.
23. Victim Business #13 was a produce distributor with a principal address in McAllen, Texas.

Examples of Acts in Furtherance of the Bank Fraud Scheme

Victim Business #1 and Individual Victim A.J.

24. On or about November 2, 2020, an unknown co-conspirator stole mail, including business checks payable to Victim Business #1, from a business mailbox in Monroe, North Carolina.

25. On or about November 2, 2020, an unknown co-conspirator filed an assumed business name certificate at the Union County Register of Deeds with a business name that was substantially the same as Victim Business #1. The assumed business name certificate listed Individual Victim A.J. as the name of the person doing business under the assumed business name.

26. On or about November 4, 2020, FREEMAN sent text messages to K.T., a co-conspirator who is known to the Grand Jury, with PII, including name, date of birth, and social security number, of Individual Victim A.J. K.T. then texted FREEMAN a photo of a counterfeit North Carolina driver's license in the name of Individual Victim A.J. with the photo of an unknown co-conspirator.

27. On or about November 5, 2020 in Greensboro, North Carolina, an unknown co-conspirator opened Wells Fargo Account *9242 in the name of Individual Victim A.J. doing business as a name that was substantially the same as Victim Business #1.

28. On or about November 5, 2020, FREEMAN deposited three stolen checks totaling \$16,966.55 and payable to Victim Business #1 into Wells Fargo Account *9242 at a Wells Fargo ATM in Charlotte, North Carolina.

Victim Business #2

29. On or about November 3, 2020, FREEMAN sent a text message to K.T. with the name S.A., and other information, including a date of birth and an address.

30. On or about November 12, 2020, an unknown co-conspirator stole mail, including business checks payable to Victim Business #2, from a business mailbox in Charlotte, North Carolina.

31. On or about November 13, 2020, an unknown co-conspirator filed an assumed business name certificate at the York County Clerk of Court in South Carolina with a business name that was substantially the same as Victim Business #2. The assumed business name certificate listed S.A. as the owner of the business.

32. On or about November 13, 2020 in Fort Mill, South Carolina, FREEMAN opened Bank of America Account *2676 in the name of S.A. doing business as a name that was substantially the same as Victim Business #2.

33. Between November 16, 2020 and November 24, 2020, FREEMAN deposited nine stolen checks totaling \$90,200.97 and payable to Victim Business #2 into Bank of America Account *2676 at various bank locations in North Carolina.

Victim Business #3, Victim Business #4 and Individual Victim K.W.

34. On or about November 12, 2020, FREEMAN sent a text message to K.T. with the PII of Individual Victim K.W., including name, address, and date of birth.

35. On or about November 18, 2020 in Charlotte, North Carolina, an unknown co-conspirator opened BB&T (Truist) Account *9914 in the name of Victim K.W. doing business as a company with substantially the same name as Victim Business #3.

36. On or about November 18, 2020 in Charlotte, North Carolina, an unknown co-conspirator deposited a stolen \$13,125.64 check payable to Victim Business #3 into BB&T (Truist) Account *9914.

37. On or about November 18, 2020 in Charlotte, North Carolina, an unknown co-conspirator opened an additional account, BB&T (Truist) Account *9922, in the name of Victim K.W. doing business as a company with the substantially the same name as Victim Business #4.

38. On or about November 18, 2020 in Charlotte, North Carolina, an unknown co-conspirator deposited a stolen \$9,850 check payable to Victim Business #4 into BB&T (Truist) Account *9922.

Victim Business #5

39. Between on or about November 19, 2020 and on or about December 1, 2020, an unknown co-conspirator stole mail, including a \$174,457.85 check payable to Victim Business #5.

40. On or about December 1, 2020 in Mooresville, North Carolina, FREEMAN opened BB&T (Truist) Account *7750 with substantially the same name as Victim Business #5 and with S.A. as the designated representative on the account.

41. On or about December 2, 2020 in Charlotte, North Carolina, an unknown co-conspirator deposited the stolen \$174,457.85 check payable to Victim Business #5 into the BB&T (Truist) Account *7750.

Victim Business #6 and Victim Business #7

42. On or about December 10, 2020, FREEMAN sent a text message to K.T. with the name D.H.

43. Between on or about December 23, 2020 and on or about December 28, 2020, an unknown co-conspirator stole mail, including one check payable to Victim Business #6 and one check payable to Victim Business #7.

44. On or about December 28, 2020, an unknown co-conspirator filed an assumed business name certificate at the Iredell County Register of Deeds with a business name that was substantially the same as Victim Business #6. The assumed business name certificate listed B.H. as the real name of the person doing business under the assumed business name.

45. On or about December 28, 2020, an unknown co-conspirator filed an assumed business name certificate with the Gaston County Register of Deeds with a business name that was substantially the same as Victim Business #7. The assumed business name certificate listed D.H. as the real name of the person doing business under the assumed business name.

46. On or about December 28, 2020 in Statesville, North Carolina, an unknown co-conspirator opened FNB Account *9484 in the name of B.H. doing business as a name substantially the same as Victim Business #6.

47. On or about December 29, 2020 in Statesville, North Carolina, an unknown co-conspirator opened FNB Account *3695 in the name of D.H. doing business as a name substantially the same as Victim Business #7.

48. On or about December 28, 2020 in Tega Cay, South Carolina, an unknown co-conspirator deposited a stolen \$340,967 check payable to Victim Business #6 into FNB Account *9484.

49. On or about December 28, 2020, FREEMAN sent a text message to K.T. with a photo of a bank statement for FNB Account *9484 showing a \$340,967 deposit on December 28, 2020.

50. On or about December 29, 2020 in Charlotte, North Carolina, an unknown co-conspirator deposited a stolen \$176,290.72 check payable to Victim Business #7 into FNB Account *3695.

Victim Business #8 and Individual Victim J.L.

51. Between on or about December 22, 2020 and on or about December 28, 2020, an unknown co-conspirator stole mail, including a \$37,952.50 check payable to Victim Business #8, from a postal collection box in Charlotte, North Carolina.

52. On or about December 28, 2020, FREEMAN sent a text message to K.T. with the PII of Individual Victim J.L., including name and address.

53. On or about December 30, 2020, two co-conspirators, one known and one unknown, opened SunTrust (Truist) Account *6347 in the name of Individual Victim J.L., doing business as a name that was substantially the same as Victim Business #8.

54. On or about December 30, 2020 in Charlotte, North Carolina, an unknown co-conspirator deposited the stolen \$37,952.50 check payable to Victim Business #8 into the SunTrust (Truist) Account *6347.

Victim Business #9 and Individual Victim J.L.

55. On or about January 29, 2021 in Spartanburg, South Carolina, an unknown co-conspirator opened Bank of America Account *9768 in the name of Individual Victim J.L.

56. Between on or about February 22, 2021 and on or about February 25, 2021, an unknown co-conspirator stole mail, including a \$100,000 check payable to Victim Business #9 from a postal collection box in Charlotte, North Carolina.

57. On or about February 25, 2021, an unknown co-conspirator registered a company in the State of South Carolina with a name that was substantially the same as Victim Business #9. The business listed W.H. as the registered agent.

58. On or about March 4, 2021 in Mooresville, North Carolina, an unknown co-conspirator, opened Bank of America Account *5937 in a name that was substantially the same as Victim Business #9. The account application listed W.H. as the authorized business representative.

59. On or about March 4, 2021 in Charlotte, North Carolina, MONTEITH deposited the stolen \$100,000 check payable to Victim Business #9 into Bank of America Account *5937.

60. On or about March 15, 2021 in Mooresville, North Carolina, HODGE withdrew \$40,000 from Bank of America Account *5937 as a cashier's check payable to Individual Victim J.L.

61. On or about March 15, 2021 in Greenville, South Carolina, FREEMAN deposited the \$40,000 cashier's check into Bank of America Account *9768.

Individual Victim T.B.

62. Between on or about February 26, 2021 and on or about March 2, 2021, an unknown co-conspirator stole a \$4,000 check payable to Individual Victim T.B. out of the mail.

63. On or about March 2, 2021, HODGE, using a counterfeit driver's license with her picture and the name of Individual Victim T.B., cashed the stolen \$4,000 check payable to Individual Victim T.B. at a HomeTrust Bank branch in Charlotte, North Carolina.

**Victim Business #10, Victim Business #11, Victim Business #12,
and Victim Business #13**

64. Between on or about June 15, 2021 and on or about June 24, 2021, an unknown co-conspirator stole mail, including checks payable to Victim Company #10, Victim Company #11, Victim Company #12, and Victim Company #13.

65. On or about the dates listed below, unknown co-conspirators opened small business bank accounts at BB&T (Truist) at various bank branches in North Carolina, Georgia and Virginia, in names substantially the same as the Victim Businesses listed below, as follows:

Date	Victim Business	BB&T (Truist) Account Number
6/24/21	Victim Business #10	*5071
6/25/21	Victim Business #11	*2683
6/25/21	Victim Business #12	*4647
6/25/21	Victim Business #13	*7027

66. On or about June 24, 2021, in Charlotte, North Carolina, MONTEITH deposited a stolen check for \$18,719.50 payable to Victim Business #10 into BB&T (Truist) Account *5071.

67. On or about June 25, 2021, in Charlotte, North Carolina, MONTEITH deposited a stolen check for \$16,872 payable to Victim Business #11 into BB&T (Truist) Account *2683.

68. On or about June 25, 2021, in or around Atlanta, Georgia, FREEMAN deposited a stolen check for \$6,342 payable to Victim Business #12 into BB&T (Truist) Account *4647.

69. On or about June 25, 2021, in or around Atlanta, Georgia, FREEMAN deposited a stolen check for \$9,408 payable to Victim Business #13 into BB&T (Truist) Account *7027.

COUNT ONE
(Conspiracy to Commit Bank Fraud – 18 U.S.C. § 1349)

70. The Grand Jury realleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 69 of the Bill of Indictment, and further alleges that:

71. Beginning as early as in or about November 2020 and continuing to on or about the date of this Indictment, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, the defendants,

(1) TERRELL DEVON FREEMAN
a/k/a “STONE”
(2) JOSHUA MACDAVID MONTEITH
a/k/a “GRITTY,” and
(3) YANALISE SIMONE HODGE,

did knowingly combine, conspire, confederate, and agree with each other and others known and unknown to the Grand Jury, to commit offenses against the United States, to wit, bank fraud, in violation of Title 18, United States Code, Section 1344.

Object of the Conspiracy

72. It was the object of the conspiracy that the defendants, and others known and unknown to the Grand Jury, devised and executed a scheme to defraud and to obtain moneys owned by, or in the custody or control of one or more financial institutions, whose deposits were insured by the Federal Deposit Insurance Corporation, by means of materially false and fraudulent representations and promises.

Manner and Means

73. The defendants and others known and unknown to the Grand Jury, carried out the conspiracy in the manner and means described in paragraphs 1 through 69 of this Bill of Indictment, among others.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO THROUGH NINE
(Bank Fraud – 18 U.S.C. § 1344(2))

74. The Grand Jury re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 69 of this Bill of Indictment, and further alleges that:

75. On or about the dates listed below, within the Western District of North Carolina, in Mecklenburg and Iredell counties, and elsewhere, the defendants listed below knowingly executed a scheme and artifice to obtain the moneys, funds, credits, assets and other property owned by, and under the custody or control of, the financial institutions listed below, whose deposits were insured by the Federal Deposit Insurance Corporation, by means of materially false and fraudulent pretenses and representations, to wit by engaging in the conduct described below:

COUNT	DEFENDANT	DATE	FINANCIAL INSTITUTION	DESCRIPTION
2	(1) FREEMAN	11/5/20	Wells Fargo	Deposited stolen check #10687894 in the amount of \$13,995.01 into Wells Fargo *9242
3	(1) FREEMAN	11/20/20	Bank United	Deposited stolen check #230227 in the amount of \$6,153.02 into Bank of America Account *2676
4	(1) FREEMAN	11/24/20	TD Bank	Deposited stolen check #1118 in the amount of \$14,962.30 into Bank of America Account *2676
5	(3) HODGE	3/2/21	HomeTrust Bank	Cashed stolen check #1299 in the amount of \$4,000
6	(2) MONTEITH	3/4/21	Wells Fargo	Deposited stolen check #4647 in the amount of \$100,000 into Bank of America Account *5937
7	(3) HODGE	3/15/21	Bank of America	Withdrew cashier's check #164815478 in the amount of \$40,000
8	(2) MONTEITH	6/24/21	BB&T (Truist)	Deposited stolen check #7694 in the amount of \$18,719.50 into BB&T (Truist) Account *5071
9	(2) MONTEITH	6/25/21	BB&T (Truist)	Deposited stolen check #7693 in the amount of \$16,872 into BB&T (Truist) Account *2683

All in violation of Title 18, United States Code, Section 1344(2).

COUNTS TEN THROUGH THIRTEEN
(Aggravated Identity Theft – 18 U.S.C. § 1028A)

76. The Grand Jury re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 69 of this Bill of Indictment, and further alleges that:

77. On or about the dates listed below, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, the defendant did knowingly transfer and use, without lawful authority, a means of identification of another person, as described below, during and in relation to the commission of one or more federal felony violations, to wit, bank fraud conspiracy (18 U.S.C. § 1349), as set out in Count One, knowing that the means of identification belonged to another actual person, as charged in the counts listed below:

COUNT	DEFENDANT	DATE	MEANS OF IDENTIFICATION
10	(1) FREEMAN	11/4/20	Name, date of birth and Social Security number of Individual Victim A.J.
11	(1) FREEMAN	11/12/20	Name, date of birth, and address of Individual Victim K.W.
12	(1) FREEMAN	12/28/20	Name of Individual Victim J.L.
13	(3) HODGE	3/2/21	Name of Individual Victim T.B.

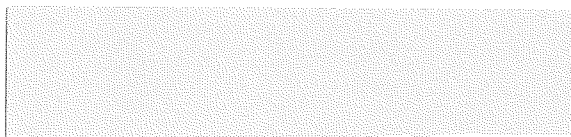
All in violation of Title 18, United States Code, Section 1028A.

NOTICE OF FORFEITURE

Notice is hereby given of 18 U.S.C. § 982 and 28 U.S.C. § 2461(c). Under Section 2461(c), criminal forfeiture is applicable to any offenses for which forfeiture is authorized by any other statute, including but not limited to 18 U.S.C. § 981 and all specified unlawful activities listed or referenced in 18 U.S.C. § 1956(c)(7), which are incorporated as to proceeds by Section 981(a)(1)(C). The following property is subject to forfeiture in accordance with Section 982 and/or 2461(c):

- a. All property which constitutes or is derived from proceeds of the violations set forth in this Bill of Indictment; and
- b. If, as set forth in 21 U.S.C. § 853(p), any property described in (a) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the defendant(s) to the extent of the value of the property described in (a).

A TRUE BILL:



FOREPERSON

WILLIAM T. STETZER
ACTING UNITED STATES ATTORNEY



WILLIAM T. BOZIN
ASSISTANT UNITED STATES ATTORNEY